

BEST COPY

AVAILABLE

ENTIRE DOCUMENT

POOR ORIG

ODS

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

Tab 1

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

Office Memorandum • UNITED STATES GOVERNMENT

25X1A9a TO [REDACTED] DC, Fiscal Division

DATE: 27 May 1960

25X1A9a FROM [REDACTED]
Room 8, Admin Bldg.

SUBJECT: Reply to letter re "Salary Overpayment"

This reply has been delayed beyond the statutory 60-day limit because of several factors beyond our control--we understand that you were willing to grant this extension of time for reply, and appreciate your courtesy.

25X1A9a Since Mr. [REDACTED] of this office, and I seem to be in the same situation we would like to have you consider this as a joint reply to both the letter to him and the one to me dated 9 March 1960. Even tho this reply is based on the case of Mr. [REDACTED] the facts seem to be parallel and to apply to both in the same manner.

25X1A9a Several conferences were held with representatives from Personnel and the Payroll Division. These gentlemen, while presenting the Agency's position on this matter, were most courteous and tried to be as helpful as possible.

Attached is our formal reply and we trust you will find merit in our arguments.

SIGNED

[REDACTED]
25X1A9a

2 attachments

Room 8, Admin

Attachment 1

Page

SUBJECT: Statements regarding overpayment of Salary and the adjustment of same

1. The question involved in this matter seems to me to be based on two different interpretations of the same facts; if I may I would like to review the circumstances and detail why I feel that the Accounting version is in error.
2. Previous to actual acquisition of the GPO State Service Facility by this Agency, several meetings were held between the employees of the plant and responsible officials of both the Agency and GPO. At these meetings statements were made to the effect that ALL benefits and privileges accorded to GPO employees would be accorded to any person transferring to the Agency with the plant. We were given to understand that an exchange of letters to this effect had taken place between responsible officials of the Agency and the Public Printer. At the meeting held with employees of Shift 2 (of which I was then Supervisor), it was especially stressed because these were the people who were entitled to the benefits which are now under question. NO exceptions were made in any statement by either Agency or GPO officials at this meeting.
3. Referring to a memorandum which you no doubt have on hand entitled "Commitments Made to Admin Plant Employees", Paragraph "a" states that the grade level for Night Supervisor was set up according to established practices and schedules in effect in various Government Departments--not, as inferred on page 2 of this memorandum, made to include these "fringe benefits". Another factor which refutes the theory that this grade level includes these benefits is that the parallel position to mine, on Shift 1, was made the same grade level--and that position was not entitled to the benefits in question. Therefore, the statement made in the memorandum that I "had not suffered in a monetary way" has no bearing on the matter.
577. (LH)
4. Referring to the last sentence of paragraph "g" of the above mentioned memorandum; I wish to state that I received all of these benefits until 5 May 1959; at which time I was classified under GS. At the time of re-classification to GS there were no conferences held with anyone at which the advantages (or disadvantages) of GS classification were discussed. The only understanding that I had was that the night differential under GS would be 10% instead of 15%--to which I readily agreed. No other information was given me then and, not until October of 1959 was I notified that the Agency had discovered that, according to law, I was being overpaid.

Attachment 1
Paragraph 4---Continued

Page 2

The fact that all TMA cards were made out to include these benefits and not questioned for a period of approximately 33 months by any of the responsible officials of either the Admin Plant or Quarters Etc, or the Accounting Division; would indicate that people other than myself understood that these benefits were to apply to ALL personnel.

5. It is a matter of common knowledge among Agency employees that, when circumstances require and when peculiar conditions exist, the Agency does not always find it necessary to follow established practices or procedures in order to accomplish its objectives. This appeared to all employees to be what was being done in taking over the GPO plant; they were setting up a wage schedule in the Agency which, according to law, applied only to the GPO (Keiss Act). And, as stated previously, no indication was made that there would be any exceptions.

6. Since it appeared to be the policy of the Agency at the time of acquisition of the plant to give all employees these benefits and privileges without exceptions as agreed to (see para. 1); and as indicated by the Agency's living up to these commitments with all employees and with me until my transfer to GS on 5 May 1957; I, therefore, contend that this is not a matter of "administrative error" but a change of policy in deciding, after the acquisition, that there would be exceptions to the agreement.

ILLEGIB

CICMEN

25X1A9a

OL/P3D/Admin
Room 8, Admin

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

ILLEGIB

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

Office Memorandum • UNITED STATES GOVERNMENT

25X1A9a

TO :

[REDACTED]

DATE: 31 March 1960

25X1A9a

FROM :

[REDACTED]

SUBJECT: Additional letter requesting repayment of salary

25X1A9a

Enclosed you will find the letter which the accounting office sent to Mr. [REDACTED] who is the man working with me on this same shift at the Admin plant of PSD.

The only circumstance that might have a bearing on Mr. [REDACTED] position in this matter is that he was not a GS employee when the change was made from GPO to the Agency.

25X1A9a

He remained an hourly employee until the last of September 1957, at which time he was made a Grade 12.

Will wait for a call from you on this matter.

Meantime, thanks very much.

SIGNED

25X1A9a

[REDACTED]

Enclosure

ILLEGIB

Next 1 Page(s) In Document Exempt

Office Memorandum • UNITED STATES GOVERNMENT

25X1A9a TO

DATE: 9 March 1960

FROM: [redacted]
1-C 46, Quarters Eye
Deputy Chief, Fiscal Division
SUBJECT: Salary Overpayment

1. You are informed that an overpayment of \$260.04 in gross salary was made to you by this Agency for the period 29 June 1957 through 19 September 1959. This overpayment represents allowances for night differential for periods of paid leave which is not permissible for graded personnel (Federal Personnel Manual Section 2-1-325, 36 Comptroller General 734, Public Law approved September 1, 1953.)

2. In the audit of the Certified Time and Attendance Reports of the Printing Services Division from 13 January 1957 through 31 October 1959, we found that you were reported to be entitled to night differential payment during periods of paid leave. We determined that you had been overpaid at various times since pay period ending 29 June 1957. A detailed table of the overpayment is attached.

25X1A

3. This account should be cleared in accordance with Agency Regulation No. [redacted] dated 26 May 1959. It is requested that refund be made by check or money order in the amount of \$260.04, payable to the Treasurer of the United States, and forwarded to the undersigned. Upon receipt of the refund, we will forward to you a statement which will indicate the amount of repayment made and which will permit you to make an adjustment to your income tax returns should you so desire.

[redacted]
25X1A9a

Attachment:
Table of Salary Overpayment

Ending Dates of Pay Periods Involved and Hours Overpaid

[REDACTED]

25X1A9a

| | | | |
|----------|---------|-------|-----------------|
| 6/29/57 | 8 hrs. | • .36 | \$ 2.88 |
| 7/13/57 | 8 hrs. | • .36 | 2.38 |
| 7/27/57 | 40 hrs. | • .36 | 14.40 |
| 8/10/57 | 16 hrs. | • .36 | 5.76 |
| 8/24/57 | 24 hrs. | • .36 | 8.64 |
| 12/20/57 | 20 hrs. | • .36 | 8.60 |
| | | | <u>\$ 43.16</u> |
| 1/25/58 | 56 hrs. | • .46 | \$ 26.88 |
| 4/5/58 | 8 hrs. | • .46 | 3.84 |
| 4/19/58 | 8 hrs. | • .46 | 3.84 |
| 5/3/58 | 8 hrs. | • .46 | 3.84 |
| 5/17/58 | 24 hrs. | • .46 | 11.52 |
| 5/31/58 | 16 hrs. | • .46 | 7.68 |
| 6/14/58 | 24 hrs. | • .46 | 11.52 |
| 6/28/58 | 8 hrs. | • .46 | 3.84 |
| 8/9/58 | 8 hrs. | • .46 | 3.84 |
| 8/23/58 | 80 hrs. | • .46 | 36.80 |
| 9/6/58 | 40 hrs. | • .46 | 19.20 |
| 11/29/58 | 8 hrs. | • .46 | 3.84 |
| | | | <u>\$138.24</u> |
| 1/24/59 | 17 hrs. | • .46 | \$ 8.16 |
| 3/2/59 | 8 hrs. | • .46 | 3.84 |
| 7/11/59 | 40 hrs. | • .49 | 19.60 |
| 9/5/59 | 80 hrs. | • .49 | 39.20 |
| 9/19/59 | 16 hrs. | • .49 | 7.84 |
| | | | <u>\$ 78.64</u> |

Total \$260.04

Office Memorandum 100-109704 : UNITED STATES GOVERNMENT

25X1A9a TO

1-C 46, Quarters Eye

DATE: 9 March 1960

FROM : Deputy Chief, Fiscal Division

ILLEGIB

SUBJECT: Salary Overpayment

1. You are informed that an overpayment of \$171.65 in gross salary was made to you by this Agency for the period 16 November 1957 through 31 October 1959. This overpayment represents allowances for night differential for periods of paid leave which is not permissible for graded personnel (Federal Personnel Manual Section 21-325, 3c Comptroller General 734, Public Law approved September 1, 1953).

2. In the audit of the Certified Time and Attendance Reports for the pay period ending 14 November 1959, it was found that you were reported to be entitled to night differential payment for a period of paid leave totaling eight hours; the report for this period was reduced to pay the night differential which was actually worked. An examination of your Time and Attendance Reports for previous periods was made; the period examined was from 13 January 1957 through 31 October 1959. It was determined that you had been overpaid at various times since pay period ending 16 November 1957. A detailed table of the overpayment is attached.

25X1A

3. This account should be cleared in accordance with Agency Regulation [redacted] dated 26 May 1959. It is requested that refund be made by check or money order in the amount of \$171.65, payable to the Treasurer of the United States, and forwarded to the undersigned. Upon receipt of the refund, we will forward to you a statement which will indicate the amount of repayment made and which will permit you to make an adjustment to your income tax returns should you so desire.

25X1A9a

Attachment:

Table of Salary Overpayment

Ending Dates of Pay Periods Involved and Hours Overpaid

25X1A9a

| | | | |
|----------|---------|-------|-------------|
| 11/16/57 | 8 hrs. | • .36 | \$ 2.88 |
| 1/11/58 | 16 hrs. | • .36 | <u>5.76</u> |
| | | | \$ 8.64 |
| 2/22/58 | 16 hrs. | • .41 | \$ 6.56 |
| 6/14/58 | 80 hrs. | • .41 | 32.80 |
| 6/28/58 | 40 hrs. | • .41 | 16.40 |
| 11/29/58 | 8 hrs. | • .41 | 3.28 |
| 12/27/58 | 24 hrs. | • .41 | 9.84 |
| 1/10/59 | 12 hrs. | • .41 | <u>4.92</u> |
| | | | \$73.80 |
| 1/24/59 | 8 hrs. | • .41 | \$ 3.28 |
| 3/7/59 | 8 hrs. | • .41 | 3.28 |
| 3/21/59 | 9 hrs. | • .41 | 3.69 |
| 4/18/59 | 8 hrs. | • .42 | 3.36 |
| 5/2/59 | 20 hrs. | • .42 | 8.40 |
| 6/13/59 | 80 hrs. | • .42 | 33.60 |
| 7/23/59 | 16 hrs. | • .42 | 6.72 |
| 8/3/59 | 8 hrs. | • .42 | 3.36 |
| 8/22/59 | 40 hrs. | • .42 | 16.80 |
| 10/3/59 | 8 hrs. | • .42 | 3.36 |
| 10/31/59 | 8 hrs. | • .42 | <u>3.36</u> |
| | | | \$89.28 |

Total \$171.65

Enclosure 3

Following are the advantages which employees of the GPO had; which all employees were assured would be given to anyone who would transfer to the Agency; as compared to what the Agency is now paying to it's GS personnel in the Admin plant.

| GP Schedule | | GS Schedule | |
|-------------------------------|--|-------------|--|
| Night differential..... | 15% | 10% | Applies only to hours worked between 6:00 p. m. and 6:00 a. m. |
| Hours paid for.... | Paid for 8 hours if 4 hours worked after 6 p. m. | | Not paid if leave is 8 hours or more. |
| Leave..... | Paid on all leave. | | Not used when computing. |
| Overtime..... | Used when computing. | | Not used when computing. |
| Holiday..... | Used when computing. | | Not used when computing. |
| Lump sum leave pay- ments. | Used when computing. | | Not used when computing. |
| Retirement..... | Used when computing | | Not used when computing. |

The hours worked by the 2d shift at the Admin plant are 4:00 p. m. to 12:30 m.

08 AUG 25 JUL
COMPTON

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

Tab 2

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

ILLEGIB

Next 3 Page(s) In Document Exempt

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

- 9 JAN 1957

MEMORANDUM FOR: Chief, Management Staff

SUBJECT: Office of Logistics, Printing Services Division
Reorganization

REFERENCE: Memorandum from Director of Logistics to Chief,
Management Staff, dated 19 December 1956, Subject:
Proposed T/O in the Printing Services Division
(MS 1136)

1. The following actions are approved in connection with the establishment of a revised Table of Organization for the Printing Services Division to incorporate the printing activities of the GPO-State Service Printing Plant:

a. Establishment of all positions in the latter plant at the same classifications and rates of pay as exist under GPO administration, subject to later job analysis.

b. Deferment of upgrading actions requested for other positions of the Printing Services Division until the changed responsibilities resulting from the new organization can be determined and evaluated.

2. This Office will establish and apply wage administration practices for the former GPO positions and personnel as nearly identical as possible with those in effect in the Government Printing Office. This principle has been agreed to by this Office and the Office of Logistics. The Government Printing Office endorses this agreement as essential to assure equity in compensation among printing trades personnel.

3. The proposed Table of Organization for the new plant, as approved by this Office, is attached.

[Redacted Box] 25X1A9a
Harrison G. Reynolds
Director of Personnel

Attachment
Proposed Table of Organization

ILLEGIB

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

Next 2 Page(s) In Document Exempt

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

~~SECRET~~

- 3 JAN 1957

MEMORANDUM FOR: General Counsel

SUBJECT: Hours of Work for Agency Printing Trades Employees

1. On July 3, 1956, the Attorney General of the United States advised the President that the Public Printer has authority to negotiate a regular work week of less than forty hours for printing trades employees in the Government Printing Office. (Attachment)
2. This ruling was stated to be applicable to other agencies having similar wage fixing authority to the Public Printer. Among these agencies are the Bureau of Engraving and Printing, and, in our opinion, the Central Intelligence Agency.
3. For several years, CIA has compensated printing trades employees performing work closely similar to that performed by the GPO and the Bureau of Engraving and Printing at wage rates identical to those in effect in the agencies mentioned. This practice has provided equitable pay treatment to Agency personnel, has kept charges of procuring employees to the minimum, and has been economical to administer. To continue the practice of aligning wage rates and hours of work for Agency printing trades employees to those prevailing in Federal organizations employing the predominant number of craftsmen seems desirable. This, however, will require, most likely, the taking of action to establish a work week of less than forty hours for printing trades employees in the foreseeable future.
4. [redacted] (Executive) dated 25 July 1956, Hours of Work, excludes Agency personnel compensated on a prevailing wage basis from its coverage. Thus, to our knowledge, no Agency regulation or precedent applies to the problem pointed out in this memorandum.
5. We are faced shortly with the take-over of the Administration Building GPO-State Service Printing Plant, currently staffed with personnel of the Government Printing Office, the majority of whom are

~~SECRET~~

~~SECRET~~

to be given the option of transferring to GIA or remaining on GPO rules and being reassigned to other GPO facilities. Our ability to offer to these experienced and skilled employees the same benefits they will accrue if they remain with GPO is most important if we are to obtain their services.

25X1A 6. A comparable problem relates to the work week for printing trades employees of the [redacted], TSS. Inquiries have been received from that Office concerning Agency action which may be expected if the Bureau of Engraving and Printing administratively adopts a work week of less than forty hours, since the pay scale for the majority of [redacted] positions is based on that of the Bureau.

25X1A 7. Accordingly, your decision as to the legality of the Agency establishing for printing trades employees a work week consistent with that which may be put into effect in the Government Printing Office and the Bureau of Engraving and Printing is requested. Any further details you may desire concerning this problem may be obtained from Mr. [redacted] of the Position Evaluation Division, this Office.

SIGNED

HARRISON G. HYDELS
Director of Personnel

Attachment:
Opinion of the Attorney General
dated July 3, 1956

Distribution:
0 & 1 - Addressee
1 - D/Pers Reader Chrono
2 - PED

25X1A9a OP:PED [redacted]:am (31 Dec 56)

~~SECRET~~

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

Tab 4

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

ILLEGIB

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

Next 1 Page(s) In Document Exempt

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

Production Manager
THH: Supt., Field Service Division
Chief, GPO-Dept. State Service Office

October 30, 1956

Adjustment of administrative wage scales

25X1A9a

As was pointed out in my memorandum on the same subject dated March 26, 1956, it is again requested that consideration be given to wages of certain key supervisory and administrative personnel. We have several cases of supervisors receiving less pay than those they supervise.

25X1A9a

(1) **Assistant Foreman.** Although he was given the title of Assistant Foreman several years ago, this man actually is the Plant Foreman in that he oversees the personnel, production, and security of the plant. [redacted] is the Assistant Chief of the plant and handles the liaisons, planning, and scheduling of the work which is a full time job. Mr. [redacted] receives a salary of \$3.49 an hour in comparison to \$3.55 an hour paid the color photographer and negative cutter, and \$3.49 for the sections chief whom he supervises.

(2) **Chief, Photography Section.** This man receives 6¢ an hour less than the color photographer and negative cutter whom he supervises.

(3) **Negative Cutter-in-Charge.** This employee makes (\$3.37) 18¢ less an hour than his color negative cutter and the same pay as the night negative cutter-in-charge, all of whom he supervises besides 14 other negative cutters.

(4) **Night Supervisor.** This man makes (\$3.18) 30¢ less an hour than the supervisor of the Photographic Section and 5¢ less than the Supervisor of the Press Section, all of whom are subordinate to him.

It has always been my understanding that if a man has the responsibility of supervision he should be compensated accordingly, and actually not less than those he supervises.

Other cases in addition to some of the above were requested for consideration in my memo of March 26. However, since that time new journeyman rates have been established making the above cases outstanding. One of the above has requested that his case be taken directly to the Public Printer's attention in event this office fails to do anything for him.

Chief, GPO-Dept. State Service Office

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

Office Memorandum • UNITED STATES GOVERNMENT

TO : Chief, Printing Services Division

DATE: 19 June 1957

FROM : Assistant Chief, Printing Services Division

SUBJECT: Assignment of [] and Detail of [] 25X1A9a 25X1A9a

25X1A9a

25X1A9a

1. Mr. [] has been assigned to shift 2 to fill the vacancy left by Mr. []

25X1A9a

2. Mr. [] is at present detailed to the office to fill the vacancy left on shift 1 when Mr. [] was assigned to the night shift.

25X1A9a

[] 25X1A9a

25X1A9a OJ/PED:Adm: [] :sm/4421 (19 Jun 57)

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

DECISIONS OF COMPTROLLER GENERAL OF THE UNITED STATES

Volume 32, Page 211 (8-112285)

COMPENSATION--INITIAL SALARY RATES--RETROACTIVE CORRECTION OF ADMINISTRATIVE ERROR

"In view of the reported administrative policy that present and former Federal employees appointed to positions with the Office of Price Stabilization should be given the highest salary rates previously received, the salary rates of employees appointed at the minimum rates of grades although higher rates had been received previously by such employees may be corrected retroactively effective from the date of said appointment to the highest rate received previously, provided that rate does not exceed the maximum rate for the grade to which appointed, upon administrative determination of error in not carrying out said policy."

Volume 30, Page 94 (8-97285)

COMPENSATION--ERRONEOUS RATE--RETROACTIVE CORRECTION OF ERROR

"An employee who is qualified for and performs the duties of a position, but who, through administrative error, is not paid the lawful salary attaching to the position, may have his salary corrected retroactively by appropriate administrative action without such payment being regarded as a retroactive promotion such as ordinarily is prohibited by law."

"The general rule is that where an incumbent of a position performs the duties thereof and is otherwise qualified to hold such position he is entitled to the salary established for the position, and when, through administrative error, he is not paid the lawful salary attaching thereto, a future payment of an amount to correct the error retroactively is not to be regarded as a retroactive promotion such as ordinarily is prohibited by law. Accordingly, under the circumstances stated, the salary of the employee may be corrected retroactively by appropriate administrative action."

Volume 29, Page 75 (8-86539)

OFFICERS AND EMPLOYEES--DE FACTO--RETENTION OF COMPENSATION PAID

"A Postal Service employee who was given an automatic promotion to the next higher salary grade contrary to the specific statutory provision setting forth a prescribed period of service as a prerequisite for advancement to the higher grade is not to be regarded as a de facto employee and entitled to retain compensation received prior to the time the error was brought to the attention of the administrative officials; instead such employee should be required to refund all payments of compensation made to him in excess of the rates specifically prescribed by law."

Volume 34, Page 706 (B-124070)

"The night rate of compensation of an employee occupying a prevailing rate position constitutes his basic compensation.

"Although night differential payable to employees holding classified positions is not part of basic compensation which, upon conversion of positions to prevailing rate system, may be saved under sec. 114 of act of Sept. 1, 1954, there is nothing in act which would preclude Civil Service Comm. or administrative agency from making determination that public interest requires saving of night differential in conversion cases.

"Saving provision of sec. 114 of act of Sept. 1, 1954, is complied with if upon conversion of classified position to prevailing rate schedule employee is compensated at night rate equal to his previous basic compensation exclusive of night differential; however, if night rate in classified position is not saved by special regulation upon conversion to prevailing rate schedule, employee would be entitled to night differential at rate prescribed generally for employees under prevailing rate system.

"Where at time of conversion from prevailing rate to classified position compensation of converted (prevailing rate) position exceeds basic compensation of new classified position, plus 10 percent night differential, entire night rate may be saved under sec. 114 of act of Sept. 1, 1954; however, night differential may not be paid in new position if it has been included in saved compensation."

Volume 31, Page 48 (B-104310)

"The overtime rate of compensation payable to Wage Board employees under section 23 of the Act of March 28, 1934, for work in excess of 40 hours per week is based upon the rate received by the employee during his regular tour of 40 hours regardless of whether the regular tour of duty be during the day or during the night so that an employee whose regular tour of duty is during the day and outside the hours for which night differential is payable may not have night differential included in his basic compensation to determine his overtime compensation rate."

Volume 31, Page 48 (B-104310)

Establishes (1) that overtime is computed on the basis of basic compensation which includes night differential for Wage Board employees; (2) day employees working at night are not entitled to overtime and night differential.

Volume 31, Page 708 (B-124070)

Establishes (1) the fact that the night rate of compensation of an employee occupying a prevailing rate position constitutes his basic compensation; (2) the fact that upon conversion from prevailing rate to classified position compensation of prevailing rate position exceeds basic compensation of new classified position, plus 10% night differential, entire night rate may be saved under sec. 11A of act of Sept. 1, 1954; however, night differential may not be paid in new position if it has been included in saved compensation.

Volume 31, Page 391

OVERTIME COMPENSATION--FORTY-HOUR WEEK EMPLOYEES--RATE PAYABLE

"The overtime rate of compensation payable to wage board employees under section 23 of the act of March 28, 1934, for work in excess of 40 hours per week is based upon the rate received by the employee during his regular tour of duty of 40 hours regardless of whether the regular tour of duty is during the day or night, and therefore, an employee whose regular tour of duty is during the day may not have night differential included as part of basic compensation in determining the overtime compensation rate, even though overtime services were performed during the hours for which night differential is payable.

"While section 23, act of March 23, 1934, neither requires nor precludes payment of night differential in addition to overtime compensation for services "at night" outside a regular tour of duty, as distinguished from regarding night differential as basic compensation in computing overtime rate for employee whose regular tour of duty is at night, in view of policy adopted under directives and regulations of the Treasury Department Wage Board and the Director of the Mint that Mint employees on the day shift would not be paid night differential in addition to overtime when required to work beyond the regular workday, such employees are not entitled under said policy to night differential in addition to overtime when required to work at night."

Volume 33, Page 448 (B-118963)

COMPENSATION--OVERPAYMENTS--REFUNDS

"The General Accounting Office is without authority to waive indebtedness of employee to Government which resulted from receipt of illegal payments of compensation made as result of administrative error in fixing compensation in wrong step of grade to which promoted in violation of section 802 (b) of the Classification Act of 1949, as amended, and therefore employee must refund excess compensation paid prior to discovery of erroneous administrative action, notwithstanding employee was without fault in the matter."

Volume 28, Page 514 (3-62605)

OFFICERS AND EMPLOYEES--DE FACTO--RETENTION OF COMPENSATION ALREADY PAID

"Where administrative personnel actions, such as appointments, promotions, or reinstatements, are found after a substantial period of time to be erroneous upon post audit by the Civil Service Commission but not due to bad faith or fraud either on the part of the employee or the administrative officials, the employee properly may be considered as serving in a de facto status under the unauthorized personnel action and may be permitted to retain compensation received by him prior to the time such error is brought to the attention of the administrative officials."

UNITED STATES CODE ANNOTATED

Title 5

Executive Departments and Government Officers and Employees

Paragraph 673 c - Part 6

"In the case of a Government Printing Office employee assigned to night duty, the night rate--that is, the rate of compensation received during his regular forty-hour weekly tour of duty at night--rather than the regular day rate, is his base pay on which the overtime compensation authorized by this section, for work in excess of forty hours per week should be computed."

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

Tab 7

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

Comparison of Salaries which would have been paid to Employee had he remained at G.P.O. and Salary which should have been paid as GS at CIA.

(A) Salary Per Government Printing Office Employee Standards:

| Year | N/D | O/T | Average Annual Salary | Gross Salary |
|------|-----------------|---------------|-----------------------|------------------|
| 1957 | 930.24 | 250.00 | 6,201.60 | 7,321.84 |
| 1958 | 1,045.20 | 34.26 | 6,960.00 | 8,047.16 |
| 1959 | 1,000.00 | - | 7,200.00 | 8,280.00 |
| 1960 | 84.48 | - | 563.20 | 647.68 |
| | <u>3,139.92</u> | <u>284.26</u> | <u>20,932.80</u> | <u>24,366.98</u> |

24,366.98

(B) Correct Salary Per Classified Employee Standards:

| | | | | |
|------|-----------------|---------------|------------------|------------------|
| 1957 | 633.54 | 188.66 | 6,754.62 | 7,576.82 |
| 1958 | 600.17 | 25.92 | 9,823.39 | 10,449.48 |
| 1959 | 695.18 | - | 10,035.20 | 10,730.36 |
| 1960 | 49.98 | - | 780.80 | 830.78 |
| | <u>1,978.85</u> | <u>214.58</u> | <u>27,394.01</u> | <u>29,587.44</u> |

29,587.44

+ 5,220.46

(C) Salary Received at CIA:

| | | | | |
|------|-----------------|---------------|------------------|------------------|
| 1957 | 777.59 | 188.66 | 6,754.62 | 7,720.87 |
| 1958 | 947.92 | 25.92 | 9,823.39 | 10,797.23 |
| 1959 | 1,009.60 | - | 10,035.20 | 11,044.80 |
| 1960 | 56.64 | - | 780.80 | 847.44 |
| | <u>2,801.75</u> | <u>214.58</u> | <u>27,394.01</u> | <u>30,410.34</u> |

30,410.34

Total Overpayment

• (822.90)

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

Tab 8

Approved For Release 2002/09/04 : CIA-RDP80-01370R000100020016-2

Comparison of Salaries which would have been paid to Employee had he remained at G.P.O. and Salary which should have been paid as GS at CIA.

(A) Salary per Government Printing Office Employee Standards

| Year | N/D | O/T | Average Annual Salary | Gross Salary | |
|------|-----------------|---------------|-----------------------|------------------|-----------|
| 1957 | 593.04 | 475.02 | 6,662.40 | 7,730.46 | |
| 1958 | 1,117.20 | 97.44 | 7,448.00 | 8,662.64 | |
| 1959 | 1,155.84 | - | 7,703.36 | 8,859.20 | |
| 1960 | 90.72 | - | 604.80 | 695.52 | |
| | <u>2,956.80</u> | <u>572.46</u> | <u>22,418.56</u> | <u>25,947.82</u> | 25,947.82 |

(B-1) Correct Salary Per Classified Employee Standards

| | | | | | |
|------|-----------------|---------------|------------------|------------------|--------------------|
| 1957 | 467.73 | 416.67 | 6,714.90 | 7,599.30 | |
| 1958 | 564.79 | 66.00 | 8,271.73 | 8,902.32 | |
| 1959 | 568.75 | - | 8,523.20 | 9,091.95 | |
| 1960 | 45.36 | - | 660.80 | 706.16 | |
| | <u>1,646.63</u> | <u>482.67</u> | <u>24,170.63</u> | <u>26,299.93</u> | 26,299.93 + 351.91 |

(B-2) Correct Salary Per Classified Employee Standards: (Corrected Rate)

| | | | | | |
|------|-----------------|---------------|------------------|------------------|-----------|
| 1957 | 475.17 | 416.67 | 6,814.14 | 7,705.98 | |
| 1958 | 593.33 | 66.00 | 8,752.77 | 9,414.10 | |
| 1959 | 596.01 | - | 9,001.60 | 9,597.61 | |
| 1960 | 47.52 | - | 697.60 | 745.12 | |
| | <u>1,714.03</u> | <u>482.67</u> | <u>25,266.11</u> | <u>27,462.81</u> | 27,462.81 |

(C) Salary Received at CIA:

| | | | | | |
|------|-----------------|---------------|------------------|------------------|-----------|
| 1957 | 513.60 | 416.67 | 6,714.90 | 7,645.17 | |
| 1958 | 816.16 | 66.00 | 8,271.73 | 9,153.89 | |
| 1959 | 564.64 | - | 8,523.20 | 9,387.84 | |
| 1960 | 60.48 | - | 660.80 | 721.28 | |
| | <u>2,254.88</u> | <u>482.67</u> | <u>24,160.63</u> | <u>26,908.18</u> | 26,908.18 |

Total Overpayment

(* 608.25)